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HDP/SB/21 based on PTO/SB/21 (08-00)

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/587,165
Filing Date	July 26, 2006
Inventor(s)	Jensen Peter AKKERMAN et al.
Group Art Unit	2677
Examiner Name	Jarreas C. Underwood
Attorney Docket Number	15112-000001/US

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>  <input type="checkbox"/> Letter to the Official Draftsperson and _____ Sheets of Formal Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> LETTER SUBMITTING APPEAL BRIEF AND APPEAL BRIEF (w/clean version of pending claims)  <input type="checkbox"/> Appeal Communication to Group <i>(Notice of Appeal, Brief, Reply Brief)</i>  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>  <b>Statement Under 37 C.F.R. 1.133(b)</b>
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Donald J. Daley	Reg. No. 34,313
Signature			
Date	January 28, 2009		



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/587,165 Group Art Unit: 2877

Filing Date: July 26, 2006 Examiner: Jarreas C. Underwood

Applicant: Jensen Peter AKKERMAN et al.

Title: DEVICE AND METHOD FOR DETECTING  
CONTAMINATION IN A CONTAINER

Attorney Docket: 15112-000001/US

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January 28, 2009

**Statement Under 37 C.F.R. §1.133(b)**

Sir:

In response to the telephonic interviews conducted, January 22, 2009, January 27, 2009, and January 28, 2009, Applicant wishes to thank the Examiner for the courtesies extended during the interviews. During the January 22, 2009 discussion, the Examiner proposed cancelling claim 17 and amending claims 1 and 19 (as shown below) via an Examiner's Amendment. On January 27, 2009 and January 28, 2009, Applicant's representative verbally agreed to the Proposed Examiner's Amendment of claims 1 and 19, and also suggested amending claim 17 (also shown below). On January 27, 2009 and January 28, 2009, the Examiner indicated his acceptance of the Proposed Amendment to claim 17. The Examiner indicated that each of the proposed changes to claim 1, 17, and 19 will be accomplished via an Examiner Amendment.

**Proposed Examiner's Amendment of Claims 1 and 19 (accepted by Applicant):**

1. (Currently Amended) Device for determining a possible presence of contamination of a container with a decorative exterior, comprising:

- irradiating means for irradiating the container with at least a first wavelength,

- recording means for recording a radiation sample of radiation during interaction of the radiation with at least a part of the container,

- rotational orientation determining means for determining ~~an-a~~ rotational orientation of the container relative to the first recording means, and

- comparing means for comparing the sample to a reference matching the rotational orientation of the container relative to the first recording means during the recording to determine the possible presence of contamination.

19. (Currently Amended) Method for determining a possible presence of contamination of a container with a decorative exterior, comprising:

- irradiating the container with radiation with at least a first wavelength,

- determining ~~an-a~~ rotational orientation of the container relative to a recording device,

- recording, via the recording device, a radiation sample of the radiation after the radiation passes through at least a part of the container,

- determining the possible presence of contamination by comparing the sample to a reference matching the rotational orientation of the container relative to the recording device,

- approving or rejecting the container based upon the determination.

**Proposed Amendment of Claim 17 (accepted by the Examiner):**

17. (Currently Amended) Device for determining a possible presence of contamination of a container with a decorative exterior, comprising: according to claim 1, wherein

[[—]] the irradiating means for irradiating irradiate the container substantially from the top or the bottom with at least a first wavelength,

~~—recording means for recording a radiation sample of radiation after passing through at least one wall part of the container, and~~  
~~—comparing means for comparing the sample to a reference of the container relative to the first recording means during the recording to determine the possible presence of contamination.~~

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**CONCLUSION**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By   
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DJD/CES:eaf